

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GREENACTION FOR HEALTH AND
ENVIRONMENTAL JUSTICE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE
NAVY, et al.,

Defendants.

Case No. 3:24-cv-3899-VC-DMR

**DECLARATION OF DAVID
MITCHELL IN SUPPORT OF
FEDERAL DEFENDANTS' MOTION
FOR PARIAL DISMISSAL OF
PLAINTIFF'S SECOND AMENDED
COMPLAINT**

I, David Mitchell, under the provisions of 28 U.S.C. § 1746, declare under penalty of perjury, that the statements contained herein are true and correct.

1. I am a Trial Attorney for the United States Department of Justice and am counsel of record for Defendants U.S. Department of the Navy and U.S. Environmental Protection Agency ("EPA") in this action. I submit this declaration in support of the Federal Defendants' Motion for Partial Dismissal of Plaintiff's Second Amended Complaint.

2. An excerpt from a true and correct copy of the Final Basewide Radiological Removal Action Memorandum – Revision 2006 is attached as Exhibit A.

3. Excerpts from a true and correct copy of the Final Parcel G Removal Site Evaluation Work Plan ("Work Plan") are attached as Exhibit B.

4. An excerpt from a true and correct copy of the Final Technical Memorandum: Strontium Analysis, Parcel G is attached as Exhibit C.

5. An excerpt from a true and correct copy of Field Change Request No. 6 to the Work Plan is attached as Exhibit D.

6. An excerpt from a true and correct copy of Field Change Request No. 7, Revision 1 to the Work Plan is attached as Exhibit E.

7. A true and correct copy of Field Change Request No. 8 to the Work Plan is attached as Exhibit F.

8. An excerpt from a true and correct copy of the Federal Facility Agreement for Naval Station Treasure Island-Hunters Point Annex is attached as Exhibit G.

9. A true and correct copy of EPA's A Citizen's Guide to Capping is attached as Exhibit H.

10. An excerpt from a true and correct copy of EPA's Comprehensive Five-Year Review Guidance, OSWER No. 9355.7-03B-P, is attached as Exhibit I.

11. Excerpts from a true and correct copy of EPA's Data Quality Objectives for Remedial Response Activities, Development Process, OSWER Directive No. 9355.0-7B, is attached as Exhibit J.

12. Excerpts from a true and correct copy of EPA's Risk Assessment Guide for Superfund Volume 1, Human Health Evaluation Manual (Part A), Interim Final, is attached as Exhibit K.

13. An excerpt from a true and correct copy of EPA's Risk Assessment Guidance for Superfund: Volume 1 – Human Health Evaluation Manual (Part B, Development of Risk-based Preliminary Remediation Goals), Interim, Publication 9285.7-01B, is attached as Exhibit L.

14. A true and correct copy of EPA's Human Health Toxicity Values in Superfund Risk Assessments, OSWER Directive 9285.7-53, is attached as Exhibit M.

15. An excerpt from a true and correct copy of EPA's PRG User's Guide, Land Use Descriptions, Equations, and Technical Documentation is attached as Exhibit N.

16. An excerpt from a true and correct copy of EPA's Radiation Risk Assessment at CERCLA Sites: Q & A, OSWER No. 9285.6-20, is attached as Exhibit O.

17. Excerpts from a true and correct copy of EPA's (Draft) Technical Guidance for RCRA/CERCLA Final Covers, OSWER No. 9283.1-26, is attached as Exhibit P.

18. Where document excerpts are provided, Federal Defendants can provide the Court complete copies of the applicable document upon request.

Executed on May 1, 2025, in Washington, D.C.

By: David Mitchell
DAVID MITCHELL